

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

	)	
DePuy Mitek, Inc.	)	
a Massachusetts Corporation	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04-12457 PBS
	)	
Arthrex, Inc.	)	
a Delaware Corporation	)	
	)	
Defendant.	)	

**UNOPPOSED MOTION TO EXTEND TIME FOR FILING BY ABOUT THREE HOURS**

Defendants Arthrex, Inc. (“Arthrex”) and Pearsalls, Ltd. (“Pearsalls”) move for approximately a three hour extension to file its *Markman* brief and Motion for Summary Judgment and supporting memorandum and Statement of Undisputed Facts.

By Order of the Court, the parties’ *Markman* briefs and Motions for Summary Judgment are due on August 11, 2006. The electronic filing rules require that electronically filed papers need to be filed by 6:00 p.m. of the due date to be considered timely-filed.

The issues presented in the *Markman* brief and in the Motion for Summary Judgment are complex and require a thorough presentation. In addition to the briefs, there are over forty exhibits that need to be coordinated and filed. Defendants did not realize that the electronic filing needed to be done by 6:00 p.m. until late this afternoon. At that point, it was simply impossible to finalize the briefs, gather the necessary documents and make the filings by the 6:00 p.m. deadline. Accordingly, defendants move the Court for an Order granting the approximately three hour extension to complete the filing.

Counsel for defendants have conferred with counsel for plaintiff who consent to this motion.

Dated: August 11, 2006

Respectfully submitted,

By:           /s/Salvatore P. Tamburo            
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Counsel for Defendants  
Arthrex, Inc. and Pearsalls Ltd.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Unopposed Motion to Extend Time for Filing by About Three Hours was served, via the Court's email notification system on the following counsel for Plaintiff on the 11th day of August 2006:

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